

ENTERED

August 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VINTON PUBLIC POWER AUTHORITY, §

Plaintiff, §

VS. §

CIVIL ACTION NO. 4:20-CV-3609 §

SAM RAYBURN MUNICIPAL POWER
AGENCY, *et al*, §

Defendants. §

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

The Court has reviewed the Memorandum and Recommendation (Instrument No. 29) signed by Magistrate Judge Christina Bryan on July 20, 2021, regarding **Instrument Nos. 6 and 15**. Defendants timely filed objections. The Court has reviewed the Memorandum and Recommendation and objections and made a de novo review of the Magistrate Judge's recommended dispositions to which objections were raised, Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. BOL 39 ¶ "WP TypographicSymbols" § 12 636(b)(1)(C); *McLeod, Alexander, Powel & Apffel P.C. v. Quarles*, 925 F.2d 853, 855 (5th Cir. 1991), and after consideration of the applicable law, is of the opinion that said Memorandum and Recommendation should be adopted by this Court. It is therefore

ORDERED that Defendants' Motion to Dismiss (**Instrument No. 6**) is **DENIED**. Because Defendants declined to stipulate that they are not asserting governmental immunity in this case, the Motion to Dismiss Pickett and Mintz as individual defendants in their official capacities is also DENIED. It is further


ORDERED that Plaintiff shall file and effect immediate service of an Amended Complaint naming the Jasper/VPPA Settlement Trust and Kim Despeaux as Trustee as Defendants in this case within **14 days of entry of this Order**. Plaintiff shall deliver a copy of this Order and the Memorandum and Recommendation to counsel for the cities of Jasper, Livingston, and Liberty, as notice of their right to file a motion to intervene in this case by September 28, 2021. It is further

ORDERED that Plaintiff's Motion for Summary Judgment (**Instrument No. 15**) and Defendants' Cross-Motion for Summary Judgment (**Instrument No. 21**) are **DENIED WITHOUT PREJUDICE** to refiling after the Trust/Trustee has appeared in this case.

ORDERED, ADJUDGED and DECREED that United States Magistrate Judge Bryan's Memorandum and Recommendation is hereby adopted by this Court.

The Clerk shall enter this Order and provide all parties with a true copy.

SIGNED on this the 24th day of August, 2021, at Houston, Texas.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE